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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,101

08/10/2006

Yvon Gourhant

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7590

03/03/2009

OLIFF & BERRIDGE, PLC

P.O. BOX 320850

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EXAMINER

BAIG, ADNAN

ART UNIT

PAPER NUMBER

4172

MAIL DATE

DELIVERY MODE

03/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,101	Applicant(s) GOURHANT ET AL.	
	Examiner ADNAN BAIG	Art Unit 4172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/10/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/3/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 6 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding Claim 6, a software program is called upon. However the program is not claimed as stored in hardware or as executable instructions for causing the computer to perform the steps of the instructions. Therefore the claim includes Non-Functional Descriptive Material which is not statutory.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy (US 6,754,192) in view of Haugli (2004/0125776).

Regarding Claim 1, Kennedy discloses a method of notifying changes of state in the resources of a network to at least one application adapted to execute on the network, (i.e., Referring to Fig. 1, Kennedy illustrates changes of state within a network where a plurality of nodes or applications within a network, are capable of failure and lack availability at different times, Col. 2 lines (58-67). A process switch message is communicated to the nodes, which serves as notification for the changes in the network, Col. 3 Lines 1-10); routing information is collected from updated routing tables, (Col. 5

Lines 1-10). Kennedy further explains each set of nodes or applications in the system is initially registered with its communicating node or sub-set, (Col. 2 Lines 58-67).

Kennedy does not expressly disclose extracting routing information from notification means and forwarding the information to the application.

However the preceding limitation is known in the art of communications. Haugli shows routing information is extracted from incoming (notification) messages and forwarded or relayed to the destination terminal, [0009] Lines 19-34 and forwarding routing information from node 10-1 to node 10-7 (Referring to Fig. 2, [0045]). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the system of Kennedy with the system of Haugli, to extract routing information from the incoming message and forward it to a node (application) in the network for notifying which nodes are available.

Regarding Claim 2, Kennedy in view of Haugli discloses a change of state notification method according to claim 1, that wherein, during the prior registration step, a fraction of the nodes and/or of the links of the network is selected so that the information that is extracted and forwarded to said application is routing information relating to said selected fraction of the nodes and/or of the links. (i.e., Kennedy further teaches that a fraction or subset of nodes is selected to communicate the status update of the network, Col. 3 Lines 5-10, Col. 5 Lines 35-47).

Regarding Claim 3, Kennedy in view of Haugli discloses a change-of-state notification method according to claim 1 that wherein the network is an ad-hoc network,

and in that the routing information is extracted by interrogating a routing protocol implemented in the ad-hoc network. (i.e., Kennedy further teaches an ad-hoc network Col. 2 Lines 35-40. Kennedy further teaches a reactive routing protocol which interrogates routing information from updated route tables when necessary, Col. 5 Lines 1-10).

Regarding Claim 4, Kennedy in view of Haugli disclose a change-of-state notification method according to claim 3, that wherein the routing information is extracted from routing tables exchanged by a proactive routing protocol of the ad-hoc network, in particular the OLSR protocol, (i.e., Kennedy further teaches a proactive OLSR routing protocol is implemented by providing route information from routing tables, Col. 6 Lines 60-67).

Regarding Claim 5, Kennedy in view of Haugli disclose a change of state notification method according to claim 1, further including a step of dynamically extending the notification means during which new extraction rules are introduced into the notification means corresponding to new routing information that has been deployed on the network. (i.e., Kennedy further teaches new routing information in the network where a proactive protocol is switched to a reactive protocol, and a new route information is determined, Col. 9, Lines 38-45).

Regarding Claim 6, Kennedy discloses a computer program for notifying changes of state in the resources of a network to at least one application adapted to execute on the network (i.e., Kennedy teaches a network where change of state notification is applied

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to the resources of a network and can be executed by a computer program on a storage medium Col.3 (Lines 63-67) - Col. 4 (Lines 1-5). Referring to Fig. 1, Kennedy illustrates changes of state within a network where a plurality of nodes or applications within a network, are capable of failure and lack availability at different times, Col. 2 lines (58-67). A process switch message is communicated to the nodes within the network which serves as a notification for the changes in the network, Col. 3 Lines 1-10). Each set of nodes or applications in the system is initially registered with its communicating node or sub-set, Col. 2 Lines 58-67); routing information is collected from updated routing tables, (Col. 5 Lines 1-10). Kennedy explains each set of nodes (applications) in the system is initially registered with its communicating node or sub-set, (Col. 2 Lines 58-67).

Kennedy does not expressly disclose means for extracting and forwarding said routing information to the application.

However the preceding limitation is known in the art of communications.

Haugli shows routing information is extracted from incoming messages and forwarded or relayed to the destination terminal, [0009] Lines 26-34. Referring to Fig. 2, Haugli illustrates forwarding routing information from node 10-1 to node 10-7 [0045]. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the system of Kennedy with the system of Haugli, to extract and forward routing information to a node or application in the network for notifying which nodes are available.

Regarding Claim 7, Kennedy discloses a system for notifying changes of state in the resources of a network (i.e., Referring to Fig. 1, Kennedy illustrates changes of state within a network where a plurality of nodes or applications within a network, are capable of failure and lack availability at different times, Col. 2 lines (58-67). A process switch message is communicated to the nodes within the network which serves as a notification for the changes in the network, Col. 3 Lines 1-10).

Kennedy discloses the system comprising the network and at least one application adapted to execute on the network (i.e., Referring to Fig. 1, Kennedy illustrates a network where nodes (Item 12), serve as an application in network 10. Kennedy teaches a network where change of state notification is applied to the resources of a network and can be executed by a computer program on a storage medium Col.3 (Lines 63-67) - Col. 4 (Lines 1-5). Each set of nodes or applications in the system is initially registered with its communicating node or sub-set, Col. 2 Lines 58-67); routing information is collected from updated routing tables, (Col. 5 Lines 1-10).

Kennedy does not expressly disclose means for extracting and forwarding said routing information to the application.

However the preceding limitation is known in the art of communications. Haugli shows routing information is extracted from notification or incoming messages and forwarded or relayed to the destination terminal, [0009] Lines 26-34. Referring to Fig. 2, Haugli illustrates forwarding routing information from node 10-1 to node 10-7 [0045].

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the system of Kennedy with the system of Haugli, to extract and forward routing information to a node (application) in the network for notifying which nodes are available.

Regarding claim 8, Kennedy discloses a Node of a network, comprising routing applications (i.e., referring to Fig.1, Kennedy illustrates a node 12 of network 10, where each node updates routing tables containing routing applications, Col. 2 Lines 35-45).

Kennedy teaches a network where change of state notification is applied to the resources of a network and can be executed by a computer program on a storage medium Col.3 (Lines 63-67) - Col. 4 (Lines 1-5). Each set of nodes or applications in the system is initially registered with its communicating node or sub-set, Col. 2 Lines 58-67); routing information is collected from updated routing tables, (Col. 5 Lines 1-10).

Kennedy does not expressly disclose means for extracting and forwarding said routing information to the application.

However the preceding limitation is known in the art of communications. Haugli shows routing information is extracted from notification or incoming messages and forwarded or relayed to the destination terminal, [0009] Lines 26-34. Referring to Fig. 2, Haugli illustrates forwarding routing information from node 10-1 to node 10-7 [0045].

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the system of Kennedy with the system of Haugli, to extract and

forward routing information to a node or application in the network for notifying which nodes are available.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADNAN BAIG whose telephone number is (571) 270-7511. The examiner can normally be reached on Mon-Fri 7:30m-5:00pm eastern Every other Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis West can be reached on 571-272-7859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/ADNAN BAIG/

Examiner, Art Unit 4172

/Jean A Gelin/

Primary Examiner, Art Unit 2617